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# NET ZERO: The True Outcome of Zero Tolerance Policies in Schools

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## *Abstract*

Since the Columbine massacre in the wake of the “unsafe schools” environmental plague, congress and school administrators have searched for a solution. As a result of this search, zero tolerance policies have become a societal norm in the American education system. Although the intentions of these policies seem clear and unarguable, the negative effects of these policies have been overlooked. Zero tolerance policies have created an environment of hasty decisions and dramatic punishments which have unfairly and disproportionately attacked students with learning disabilities and students of color. The result of large numbers of students of color being pushed out of schools has directly influenced the school to prison pipeline, which is largely uncontrollable once a student has been suspended, or worse, expelled. As a response to the severely negative effects of zero tolerance policies, I propose that we replace this outdated practice with a new concept, restorative justice, which I explain in this essay.

In 1994, congress passed a zero tolerance policy on weapons on school grounds. Appropriately titled the Gun-Free Schools Act, schools “were required to legislate zero tolerance laws or risk losing federal funds” (McAndrews). With a zero tolerance approach, students were removed from school grounds without explanation, as opposed to receiving in school consequences. Some districts even expanded this act to cover a larger area of possible disciplinary infractions, including but not limited to: drugs, alcohol, fighting, disrupting class, etc. Although the congressional legislature allows for schools to review cases on a case-to-case basis, many schools have declined this method to both “send a message” to potential violators, as well as an excuse to regulate punishment given to disruptive students (McAndrews). Since the Gun-Free Schools Act, many school districts have adopted zero tolerance as a strategy for addressing punishment for any offence. This has led to these harsh punishments being applied to much smaller offenses such as acting out in class or being tardy.

With zero tolerance policies creating a more negative than positive effect on schools’ climates, I propose the following plan: 1. abolish the practice of zero tolerance policies as disciplinary procedures in schools 2. reestablish a new method of action in schools. I propose that this new method of action should be through the practice of restorative justice. With these two steps, the goal is to stop the rapid flood of students, especially those in minority groups or who have learning disabilities, from entering problematic lifestyles through the school to prison pipeline.

After the Gun-Free Schools Act, many schools were quick to create their own zero tolerance policies, including offenses which may be seen as less harmful than weapons on school groups. One example is Henry Foss Senior High School in Tacoma, Washington, which has a zero tolerance policy in regards to fighting and other violent acts. Their intervention method reflects the ideal that “if you fight you will no longer be enrolled as a Foss High School student” (Burke). The introduction of the new policy was spread through newsletters to students and parents, student-counselor interviews, even skits presented at school assemblies and orientations (Burke). Zero tolerance policies were working their way into school discipline strategies and they were making themselves known.

In 2001, two years after the tragedy of Columbine, zero tolerance policies were at an all-time high in the American school system. Data collected during the 2001 school year reported that ninety-four percent of schools had a zero tolerance policy for firearms and ninety-one for weapons other than

firearms. Zero tolerance policies had even spread to offenses not included under the Gun-Free Schools Act. Eighty-seven percent of schools had a zero tolerance policy for alcohol, eighty-eight had one for drugs, and seventy-nine percent had policies for violence and tobacco (McAndrews). If a student was cited in violation with any of these, they were given a harsh predetermined punishment, no matter the severity of the action. Punishments usually ranged in severity from in school suspension to complete disenrollment, as at Foss Senior High School. With the overwhelming presence of these policies in schools, the likelihood of students being suspended, expelled, or disenrolled from schools greatly increased. As a result, more students were being pushed out of school than ever. Students who faced these consequences could end up with life changing effects.

The biggest impact of zero tolerance policies in schools was an increase in suspensions and expulsions. In the 1972 school year, one in thirteen students were expelled from school. That number rose by forty percent in 2009, with one in nine students expelled (Kang-Brown et. al). When these suspensions were evaluated, many did not even fit into legislated zero tolerance policies. Instead, many were unrelated violations of schools' codes of conduct: students were being expelled from schools for minor offenses that should have only warranted in school punishment, not removal from school grounds. Simple violations, such as using tobacco or acting out, were being greeted by the harshest of punishments as a result of these policies. Nationally, forty-three percent of expulsions and out-of-school suspensions were for insubordination alone (Kang-Brown et. al). Zero tolerance policies had become a method of removing problematic kids from classrooms. And when the punishment is a "one-size-fits-all" approach, even the smallest offenses are treated as a crime.

With the increase of suspensions and expulsions that resulted from the implementation of zero tolerance policies, a disproportionate representation of students of color and those with learning disabilities were being removed from schools. Specifically, students of color, who make up a minority of many school districts in the United States, also made up a majority of those who were expelled from schools and later incarcerated. For example, "black students, who represent less than ten percent of [California's Los Angeles Unified school district] student population, represented more than fifty percent of its suspensions and expulsions...[and] Black and Latinos currently represent more than 70% of the state's prison population" (Anthony). On a larger spectrum, the United States' Assistant Secretary of Elementary and Secondary Education Deborah Delisle says, "[throughout the U.S.], African American students are



more than 3.5 times more likely to be suspended or expelled as their white peers. Students with disabilities are twice as likely to be removed as non-disabled peers” (George). These groups of students are often associated with minor offenses such as tardiness and disruptive behavior, neither of which should result in expulsion. These statistics suggest that there is a problem with zero tolerance policies targeting minority students and suspending or expelling them for petty offenses.

However, some scholars still believe the differences in percentages of expulsions and incarceration rates between Caucasian students and African American and Latino students are not a reason to dispose of zero tolerance policies. An article in *The New Republic* states, “...the racial disparity in expulsions is smaller than the racial disparity in arrests for violent crimes. That African American students may be statistically more likely than other students to commit violent acts is a grave problem that demands serious government actions to the conditions under which African American children grow up” (“Zero-Tolerance Laws Are Making Schools Safer”). However, education is a crucial condition in which African-American students grow up in as well. Yes, home-life and other outside factors also have serious effects on these percentages, but the actual size of the racial disparity is not what should be focused on. Instead, the reasoning for and the severity of punishments as a result of zero tolerance should be evaluated. It is much more important for schools to evaluate how their actions affect the lives of minorities students, especially when they risk pushing them onto the wrong paths of life.

As a result of the large racial discrepancy in the numbers of suspended students, students are pushed out of school and onto paths that can have life-long effects. By having just one suspension on their record, students are statistically more likely to enter troubling paths of life. According to Janay Sander (2010), an educational psychologist at Ball State University, “over 80% of all juveniles and adults in the criminal justice system have experienced school failure or drop out”. Similarly, Harry Wilson (2014) writes that “students with one suspension [are] five times more likely to drop out. And, students who were suspended... were nearly three times more likely to have a juvenile justice contact in the following year.” Students who are suspended from school are less likely to return and as a result are more likely to run into trouble with the law. Sander describes these students as “uniquely vulnerable to the effects of school factors that increase the risk for later delinquency.” When expelled, students are often left unsupervised, making them more likely to find negative things to do with their free time. These may include criminal offenses such as drugs or violence,

which may result in later criminal records or imprisonment. The unfortunate reality of suspensions and expulsions is that they make schools seem like a distant environment that these students are unwelcome in. Once a student is removed from school, they are less likely to return and the possibilities of what they do with their time are endless.

Although the chances of students getting in trouble while on probation from school are quite high, some schools have offered evaluation services and supervision to expelled students. According to Vito A. Gagliardi for the New Jersey Law Journal, after a student's suspension concludes, they are evaluated to determine whether they can return to their regular education schedule, or if they must remain in an alternative program or placement. With this program, students who may not have yet learned from their expulsion or even may have acquired negative habits while suspended will be given assistance in getting back into school or on a similar path. Programs with this mentality are supported by the National Association of Elementary School Principals and the National Association of Secondary School Principals. Both associations support government bills that require alternative educational service, supervision, and counselling to expelled students (Ferrandino and Tirozzi). While it is true that more assistance is needed for students who are suspended or expelled from school, the real argument lies in the events which occur before the student is removed from the school. Since the effects of expulsion make students more likely to enter the school to prison pipeline, the real focus should be on keeping students in school in the first place.

Because students who are expelled are statistically more likely to drop out of school, they are therefore more likely to enter the prison system. Students who do not receive their high school diplomas—no matter the reason—are statistically more likely to suffer these unfortunate consequences. Unemployment rates are higher and weekly payrates are lower for those who do not hold a high school diploma. High school dropouts nationally make a median of \$417 a week as opposed to the \$815 dollars of a high school graduate. Dropouts are also nearly twice as likely to be unemployed as those with diplomas – 12.4% vs. 6.8% (Kang-Brown et. al).

There is no evidence to support that removing students from schools via zero tolerance policies actually removes, or even limits, disruptive and violent acts in the classroom (Kang-Brown et. al). If they return, students who were expelled for defiant acts are likely to commit the same offense again. However, it is important to remember that these minor offenses should not result in severe punishments such as expulsion. This mentality alone works to

keep students in school. In the before mentioned Los Angeles Unified School District, in the 2011 school year the board decided to remove the policy of suspending students for defiance related acts, which cut the 700,000 statewide expulsions in half (Kang-Brown et. al). Once the policy was reevaluated so the severity of the action matched the punishment, the number of suspension and expulsions greatly declined.

An alternate method to zero tolerance policies in schools is to implement the process of restorative justice. Restorative justice focuses on the idea of treating “crime as a harmful act against an individual and a community, not against the state” (Kang-Brown et. al). Sean Wilson, states that to him, “restorative justice in schools focuses on reintegrating students into school community after misbehaving rather than excluding students from the school environment” [sic]. Students work on conflict resolution with each other, as well as learning respect for each other’s voices. As a result, restorative justice focuses on the accountable individual and all students learning from and remedying their actions. In the Boston Public School District, restorative justice “often involves dialogue between two or more parties or group

conferencing – meeting including the victim, the offender, and the affected community” (*Boston Public Schools Code of Conduct*). All members work to determine appropriate consequences and reduce the change for future misbehavior of the same kind. Boston public schools’ goal through restorative justice is to make the offense known and to assist the offender in not making the same mistake twice (*Boston Public Schools Code of Conduct*).

Although restorative justice can be a difficult process to introduce into schools because it relies heavily on communication and positive environments, it has had major effects on disciplinary action. In the 2010 school year, the Boston public school district implemented the process of restorative justice to replace suspension and expulsion. In two years, the schools’ suspension numbers dropped from 743 to 120 (Kang-Brown et. al). The policies adapted in this program, such as conferencing, mediating, and problem-solving, strengthen more than just student engagement and can have lifelong effects on students’ conversational skills (Wilson).

In addition, because restorative justice has the goal of helping students learn from their actions, as well as strengthen positive disagreement strategies, it’s also working to keep students in school and off destructive paths of life. West Philadelphia High School was one of the earliest implementers of restorative justice and since its success, it has become a beacon for the huge impacts its strategy can have on school climate. After implementing restorative

justice techniques in the fall of 2008, the school saw a 52% drop in violent acts as well as a decrease of 158 suspensions from the 246 the year before (Wilson).

In a research review titled “Restorative Justice in Urban Schools”, the authors suggest that restorative justice does not only increase student conversational skills and decrease the number of suspensions and expulsions, it can also have positive impacts on attendance and graduation rates. The review includes a study done on schools in Oakland, which reported that middle schools with restorative justice programs saw absenteeism drop by twenty-four percent, whereas schools not implementing the program saw an increase by sixty-two percent (Fronius et. al). The same school district also observed a sixty percent increase in graduation rates as opposed to a seven percent increase in schools that did not implement restorative justice practices (Fronius et. al). Although restorative justice practices have created huge strides in many aspects of schools’ environments, the most important results of restorative justice must not be overlooked. With this strategy for problem solving and disciplinary action, students are staying in school and staying away from negative behaviors that may result in them dropping out and falling into the school to prison pipeline. Where zero tolerance policies were pushing too many students out of schools, restorative justice aims to push students to learn from their actions and most importantly, keep them in school.

Although zero tolerance policies were originally created to be positive, non-biased forms of justice, their results prove to be unfairly affecting students of color, sending them spiraling into further problems in their futures, as well as having no real effect on controlling violence. Whenever a student is removed from school, their chances of getting into trouble and escalating further towards outcomes as large as imprisonment, are extremely high. By removing zero tolerance policies from schools and adopting problem solving methods such as restorative justice, we can work to reverse the effects of the “School-to-Prison Pipeline” and bring disciplinary action back into the schools and out of prisons.

I am calling for reform to current disciplinary procedures based on zero tolerance. The unfair representation of students of color and those with learning disabilities who are being expelled from school directly correlates with those who find negative influences in life and may even find themselves in prison later in their lives. It is important to be educated on the current issue and to advocate for a school system that focuses on restorative justice and proper violence reduction techniques. When students are quickly removed from schools, their chances of finding themselves in the school to prison pipeline are



remarkably high. By implementing proper, up to date programs, schools can see positive outcomes in more than just their expulsion rates, they can create students who become advocates for their own change.

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